



AMENDED

ORDINANCE NO. 6 - 23

ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA

WHEREAS, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc. have filed their petition with the City of Muncie, Indiana, to vacate a portion of a the right of way of North Walnut Street in the City of Muncie, as more particularly described hereinafter; and

WHEREAS, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc. are or will be the owners of all of the land adjoining those the portion of the alley to be vacated; and

WHEREAS, notice of the filing of the petition and date of hearing on said petition has been given to all interested persons, or waived, and published as required by law; and

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or the City of Muncie; and

WHEREAS, the vacation will not hinder the use of any public way by the neighborhood in which it is located; and

WHEREAS, the vacation will not make access to the lands of any person difficult or inconvenient; and

WHEREAS, the vacation will not hinder the public's access to any church, school or other public building or place.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana, as follows:

1. The following portion of the right of way of North Walnut Street to the City of Muncie, is hereby vacated, subject to all easements of existing public utilities and restrictions of record, if any, and joined to Parcel No 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), currently owned by Muncie Community School Corporation and/or Young Men's Christian Association of Muncie, Indiana, Inc.:

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet (State Plane Coordinates 83 – Indiana, East) along the centerline of said Walnut Street; thence North 89 degrees 08 minutes 50 seconds West 60.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 20.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.69 feet a point on the projected North line of Columbus Avenue as laid out in Whitely's 2nd Addition to the City of Muncie, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 909.65 feet; thence South 27 degrees 28 minutes 17 seconds West 44.74 feet to the point of beginning, and containing 0.86 acres more or less.

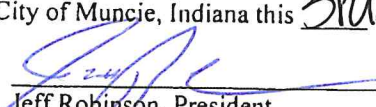
2. A survey of the right of way vacated hereby is attached hereto as Exhibit A.

3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Muncie, Indiana.

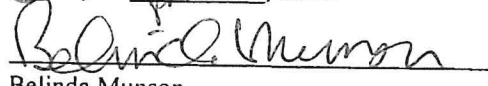
ORDINANCE No. 6-23

	Yeas	Nays	Abstained	Absent
Jeff Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Garrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Isaac Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Dishman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roger Overbey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roza Selvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Troy Ingram	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Passed by the Common Council of the City of Muncie, Indiana this 3rd day of April, 2023.

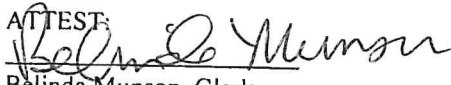

 Jeff Robinson, President
 Common Council, City of Muncie

This ordinance presented by me, the Clerk of the City of Muncie, Indiana to the Mayor for his approval this 3 day of April, 2023.

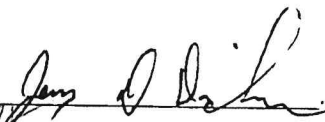

 Belinda Munson
 Clerk of the city of Muncie, Indiana

This ordinance signed and approved by me, the Mayor of the City of Muncie, Indiana, this 6th day of April, 2023.

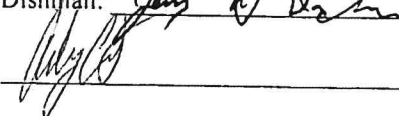

 Dan Ridenour, Mayor of the City of Muncie, Indiana

ATTEST:

 Belinda Munson, Clerk
 of the city of Muncie, Indiana

This ordinance is proposed by council member Jerry Dishman:



This ordinance is approved in form by legal counsel:



[For Purposes of Recording in Real Estate Records]

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. Name: _____

EXHIBIT A

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysox Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet (State Plane Coordinates 83 Indiana, East) along the centerline of said Walnut Street to the point 89 degrees 08 minutes 50 seconds West 60.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 20.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.69 feet a point on the projected North line of Columbus Avenue as laid out in Whiteley's 2nd Addition to the City of Indianapolis, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 909.65 feet; thence South 27 degrees 28 minutes 17 seconds West 44.74 feet to the point of beginning, and containing 0.86 acres more or less.

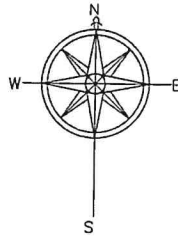
Dated: January 27, 2023

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report

Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton

2. Flood Zone:
3. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0234D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011).
4. The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated: 01/27/2023
5. Ownership shown herein is per County Records or as indicated in title work provided by others.



Muncie Community Schools
Instr. 2015R04974



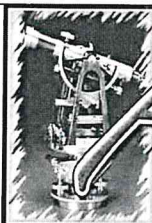
This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Revisions
Date: 03/05/23 Reason: Adjust for Turn Lane
Date: Reason:
Drawn: SMK Date: 01/27/23 Job: 2023038B Client: Cole Brunton Owner: Muncie Community Schools Crew: EA Electronic Field Book Field Date: 01/26/23 IUPPS REF. #

Street Vacation
609 North Walnut Street
Muncie, IN

SECTION CORNER COORDINATES ARE BASED ON
INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN
DATUM OF 1983, CORS 95 EPOCH 2002.000)

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).



Ashton^{inc}

Land Surveyors

125 West Washington Street, Suite 400
 Chicago, IL 60601
 Tel: (312) 252-5598 Fax: (312) 291-5598
 E-mail: info@hennepin.com



300 North High Street · Muncie, Indiana 47305
www.cityofmuncie.com · Phone: (765) 747-4845



OFFICIAL LETTER

Thursday, March 9, 2023

RE: Vacation of City Owned Right of Way, Walnut Street between Wysor Street and Columbus Avenue

To Whom It May Concern:

The right of way hereinafter referred to as the ROW is located within the State of Indiana, County of Delaware, City of Muncie, Township 20 North, Range 10 East, plated as a portion of the Rebecca Hackley Reserve, North of Wysor Street, South of Columbus Avenue, along the Western side of Walnut Street. The Right of way to be vacated is approximately 40 feet by 946.6, encompassing .86 acres give or take, including a corner clip at the intersection of Wysor and Walnut Streets. A survey has been provided by a registered surveyor of the state of Indiana with a Legal Description of the ROW. The ROW should be included in the Major Thoroughfare Plan as a Major Collector, which would necessitate a Right of Way Width of not less than 80 feet in an urban setting. As this vacation of ROW reduces the existing from 120 feet to 80 feet, it still meets the general criteria for a major collector roadway. Based on this information and the survey provided, I would recommend approval of this vacation of right of way, pending all other affected utilities both above and below ground have indicated they will remain in the new reduced right of way or be provided separate easements for continued service.

Adam K. Leach P.E.

City Engineer



STATE OF INDIANA)
)SS:
DELAWARE COUNTY)

BEFORE THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA

IN RE: MUNCIE COMMUNITY SCHOOL CORPORATION,
 YOUNG MEN'S CHRISTIAN ASSOCIATION OF MUNCIE, INDIANA, INC

Petitioners.

**PETITION TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY
IN THE CITY OF MUNCIE, INDIANA**

Comes now the Petitioners, Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc., and respectfully petition the Common Council of the City of Muncie, Indiana to vacate a portion of the right of way of North Walnut Street. In support thereof the Petitioner states and references the property to be vacated, as follows:

I. VACATION OF RIGHT OF WAY

1. Petitioners seeks the vacation of a portion of the right of way of North Walnut Street in City of Muncie, all as described herein, and as shown on the survey drawing attached hereto as Exhibit "A".

2. The portions of said right of way to be vacated, and the abutting parcels to which they shall be joined, are legally described as follows:

The following portion of right of way of North Walnut Street, subject to all easements of existing public utilities and restrictions of record, and joined to the adjacent Parcel No. 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), which parcel is currently owned by the Muncie Community School Corporation:

A 40-foot wide street vacation in the Hackley Reserve, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Commencing at the point of intersection of the centerline of Walnut Street with the centerline of Wysor Street as shown by the survey Plat Book 5, page 43 of the Rebecca Hackley Reserve as shown by the Records of Delaware County, Indiana; thence North 00 degrees 55 minutes 10 seconds East 66.00 feet (State Plane Coordinates 83 – Indiana, East) along the centerline of said Walnut Street; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet to the point of beginning; thence North 89 degrees 08 minutes 50 seconds West 40.00 feet; thence North 00 degrees 55 minutes 10 seconds East 949.69 feet a point on the projected North line of Columbus Avenue as laid out in Whitely's 2nd Addition to the City of Muncie, Indiana; thence South 89 degrees 04 minutes 50 seconds East 40.00 feet; thence South 00 degrees 55 minutes 10 seconds West 949.65 feet to the point of beginning, and containing 0.87 acres more or less.

3. The Petitioners are the owner of all real estate adjacent to the portion of the right of way

sought to be vacated by this Petition.¹

4. There are no other entities with an ownership interest in the surrounding property excluding the City of Muncie, Indiana, and any utilities with easements in the streets and alleys to be vacated, if any.

5. A survey drawing showing the right of way which the Petitioners seek to vacate is attached hereto, made a part hereof, and marked "Exhibit A."

6. No person nor municipality nor utility will suffer by reason of the vacation of the said streets and alleys.

7. The proposed vacation of the streets and alleys will not make access to the lands of any person or entity difficult or inconvenient.

8. The proposed vacation will not damage the neighborhood in which it has been platted.

9. The vacation will not hinder the public access to any church, school or other public building or place nor will the vacation hinder the growth and/or orderly development of the neighborhood or the City of Muncie, Indiana.

10. Any vacation shall be subject to the rights of existing utilities, if any shall exist.

11. The Clerk of Common Council of the City of Muncie shall give notice of the petition and of the time and place of public hearing in the manner prescribed in IC 5-3-1.

WHEREFORE, the Petitioners request that the above-described alley be vacated by ordinance of the Common Council of the City of Muncie, Indiana.

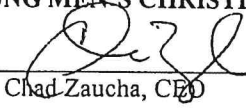
The undersigned, on behalf of Muncie Community School Corporation and Young Men's Christian Association of Muncie, Indiana, Inc., affirm under the penalties of perjury that the foregoing representations are true to the best of their knowledge and belief.

¹ Please note there is a pending application to subdivide a lot from this parcel which will be conveyed to the Young Men's Christian Association of Muncie, Indiana, Inc.

MUNCIE COMMUNITY SCHOOL CORPORATION

By: 
James R. Williams, Board President

YOUNG MEN'S CHRISTIAN ASSOCIATION OF MUNCIE, INDIANA, INC.

By:  _____
Chad Zaucha, CEO

PUBLIC NOTICE

You are notified that the Muncie Community School Corporation and the Young Men's Christian Association of Muncie, Indiana, Inc. have filed a Petition (Ordinance 6-23) with the Common Council of the City of Muncie vacate a portion of the right-of-way of Walnut Street, more specifically described as follows:

1. The following portion of the right of way of North Walnut Street to the City of Muncie, is hereby vacated, subject to all easements of existing public utilities and restrictions of record, if any, and joined to Parcel No 18-11-09-276-001.000-003 (and/or any lots subdivided therefrom), currently owned by Muncie Community School Corporation:

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You are further notified that said Petition and the things at issue will be heard by the Common Council of the City of Muncie, Indiana on March 6, 2023 at 6:45 PM in the City Hall Auditorium, 300 North High Street, Muncie, Indiana, 47305.

Belinda Munson
Clerk of the Common Council